Sriyuts—

7 K. Pattabhiraman, and
8 N. Huchmasthy Gowda"

Mr. SPEAKER—The question is:

"That the Mysore Revision of State Laws Bill, 1954, be referred to a Joint Select Committee of this House and the Legislative Council, consisting of a total number of twelve members (eight from this House and four from the Legislative Council), that the concurrence of the Legislative Council be obtained therefor and that the following Members of this House shall be members of the Joint Select Committee, namely:—

Sriyuts—

1 K. Puttaswamy
2 M. Madiah
3 M. V. Rama Rao
4 H. C. Linga Reddy
5 M. Rajasekharamurthy
6 J. Mohamed Imam
7 K. Pattabhiraman, and
8 N. Huchmasthy Gowda."

The motion was adopted

Mr. SPEAKER.—Under rule 90-P, the Minister for Law is nominated as a member of the Joint Select Committee.

THE CATTLE TRESPASS (AMENDMENT) BILL, 1954.

Motion to consider.

* **Dr. R. NAGAN GOWDA** (Minister for Agriculture).—Sir, I beg to move.

"That the Cattle Trespass (Amendment) Bill, 1954, as passed by the Legislative Council, be taken into consideration."

In doing so, I wish to state that the copy of the Bill as passed by the Legislative Council was placed on the Table of the House. It contains, as it has emerged from the Legislative Council, a few minor changes of important provisions which are necessary for the smooth working of the Act and also in order to provide safety for the owners of cattle and also for getting rapid action taken on those that allow cattle to trespass into others fields.

It also provides for application of this Act to Bellary. That of course is incidental. The Bill that was passed just a few minutes back regarding the application of laws to Bellary does not contain this. Section 17 of the existing Act provides for only three months before which the unclaimed proceeds of the sale of cattle for failure to pay the fine, etc., are kept with the Magistrate of the District. This one provides for six months. Section 26 provides for penalties for damage to crops, etc. A new section has been added—section 26A which states:

"No Court shall take cognizance of any offence punishable under section 26, except on a complaint in writing made by a person aggrieved by such offence or by a person who is a public servant as defined in section 21 of the Indian Penal Code (Central Act XLV of 1860)."

This also is an important section because it enables the person whose property has been damaged to make a complaint for action being taken on the owners of cattle that are responsible for damage. Then we have section 32 which provides for rules being made in this regard. In Bellary at present there are a number of Acts in force which are also sought to be repealed under this. This Bill is before the House and I beg that this be taken into consideration.

Mr. SPEAKER.—Motion moved:

"That the Cattle Trespass (Amendment) Bill, 1954, as passed by the Council be taken into consideration."

Sri J. MOHAMED IMAM (Jagalur).—Have the elders in the Legislative Council given us any fresh suggestion?

Dr. R. NAGAN GOWDA.—They have made an amendment. One of the provisions that was contained in the original Bill has been dropped. That contemplated the requirement of a deposit by the owner of the cattle which trespassed into others, fields; that provision has been deleted in this.

Sri M. LINGANNA (Nanjangud).—What is the quantum of penalty contemplated?

Dr. R. NAGAN GOWDA.—Under the one that was deleted ?

Sri M. LINGANNA.—Yes.

Dr. R. NAGAN GOWDA.—That was a deposit of Rs. 25 per head. That provision has been removed.

***Sri R. ANANTARAMAN** (Chamarajapet).—While whole-heartedly supporting this Bill, I wish to bring to the notice of the Hon'ble Minister that when the cattle are kept in the cattle pound according to the present rules, the feeding charges are very very low. In Bangalore and other places every week we hear of many deaths of these cattle and the authorities concerned have no power to feed them excess because there is that audit objection. I thought the Minister should have brought some amendment here; but still he has got the rule making power. The Government have got power. At least under the rule making power they may enhance the feeding charges so that the cattle will not die in distress. That is very necessary. Every week in the Corporation of Bangalore City we hear about at least two to three cattle dying because they are underfed. Another thing is, in Bangalore City there are many cattle trespassing. There is no restriction at all on these cattle in the City and wherever you go, you find the cattle trespassing. This Act should have been extended to the cities also so that there will be no such trouble.

Mr. SPEAKER.—It extends to the whole of the Mysore State.

Sri R. ANANTARAMAN.—It is not very clear. It looks as if it is only extended to the lands in the villages.

Dr. R. NAGAN GOWDA.—Under the new provision that has been included here—power to make rules—it is intended that the Government would make suitable provision for the feeding charges. The provision that was originally made was for a time when the price of fodder and all that was low. Now suitable changes have to be made. With regard to the other point that was raised by my friend regarding the large number of cattle trespassing even in a civilised town like Bangalore, now there is only one way of doing it at present, that is, to increase the fines that are to be imposed on cattle that trespass and that is possible under the rules and the provision that we have now.

Sri M. LINGANNA (Nanjangud).—What was the Act prevailing in Bellary and what is the difference in the present amending Bill?

Dr. R. NAGAN GOWDA.—It was the same Central Act that was prevailing there. It had some other provisions, but now we want to bring it in uniformity with the rules prevailing in Mysore.

***Sri M. LINGANNA.**—Under this particular amendment, the Government have sought to extend the time that was provided under section 17 of the original Act of 1871. As per the original Act, the District Magistrate was allowed to keep the sale proceeds in deposit for three months and if no claim be preferred and established within that period, he shall at the expiry dispose of them. Under the present amendment, the period is increased from 3 to 6 months. Of course, this particular amendment seems to be in favour of the people who are usually addicted to leave their cattle at large; of course, to that extent it is a beneficial one, but I believe the Cattle Trespass Act could have been amended in a comprehensive manner because there are certain difficulties that are prevailing so far as the operation of the Act is concerned. Now here they have provided that a Magistrate can only take cognizance of the contravention of the provisions of this Act only if an application is made by the person who is aggrieved; but this was not provided under section 26 of the old Act. Now it is made compulsory by the person who is competent to prefer a complaint and thenceforth the provisions of this Act would come into operation. I believe the improvement is not to the advantage of the agriculturists themselves because the Agriculture Minister is aware that the cattle trespass offences are not few and far between but they are large in number and as such it should be made incumbent on the Police Officers concerned or the Village Officers or Village Panchayats or Shanbhogues to look into this matter and often times the villager himself will not be in a position to complain. The villager will not be knowing the exact connotation of the

provisions of this particular Act; he is so ignorant. As such the difficulty arises as to the proper authority to be approached by the villager who is aggrieved. The amendment makes it incumbent on the aggrieved party to prefer a complaint. Until then this particular Act does not come into operation at all. So, I want to know how this particular insertion by way of an amendment is an improvement on the old Act of 1871.

*Dr. R. NAGAN GOWDA.—I for myself consider that this provision of section 26A is very important and very necessary. The cultivator cannot depend to any great extent either on the village officers or the Police officers or the Panchayat Board servants to take care of these stray cattle. Difficulty will never be felt by a cultivator to make a complaint at all to the Amildar or to the Magistrate in the area regarding the trespass and the damage caused on his field. But for a provision like this, it would be difficult for any action being taken on the damage done on the property of the person. Since this provision is here now, it will become incumbent on the officers to take action on a complaint. The cattle as was mentioned by the Hon'ble Member has been stray cattle.

Sri M. LINGANNA.—Any person will prefer a complaint to any one of the public servants as contemplated in section 21 of the Indian Penal Code. Who has to prefer the complaint? May I know whether any adequate provision is made to prefer a complaint to the court itself?

Dr. R. NAGAN GOWDA.—The owner of the property will have to make a complaint. That is the provision here. A person aggrieved by such an offence should make a complaint and on the complaint the officer will have to find out the amount of damage that has been done and take action to see that punishment is inflicted on the person whose cattle causes damage and also see that compensation is paid for the damage that is inflicted on the owner of the property. I think this provision is very important and necessary.

ಶ್ರೀ ಪಿ. ಆರ್. ರಾಮಯ್ಯ (ಬನಶಂಕರಿ).—ಸ್ವಾಮಿ, ಈ 18/1ನೆಯ ಇನಿಯ ಕ್ಯಾಟಲ್ ಟ್ರೆಸ್‌ಪಾಸ್ ಆಕ್ಟಿನ 3ನೆಯ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ 'ಕ್ಯಾಟಲ್' ಅನ್ನುವ ಪದಕ್ಕೆ ಅರ್ಥವಿವರಣೆ ಕೊಡುತ್ತೆ "Cattle" includes also elephants, camels, buffaloes etc., ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಈಗ ಸಾಧಾರಣವಾಗಿ ಈ ಹೆಗ್ಗಡದೇವನಕೋಟೆ ಇತ್ಯಾದಿ ಕಡೆಗಳಲ್ಲಿ ಕಾಡು ಜಾಸ್ತಿಯಾಗಿರುವುದರಿಂದ ಕಾಡಾನೆಗಳು ಬಂದು ರೈತನು ಇಟ್ಟಿರತಕ್ಕಂಥ ಬೆಳೆಯನ್ನೆಲ್ಲಾ ಮೇಯ್ದುಕೊಂಡು ಹೋಗುತ್ತಾ ಇರುವುದು ಸಹಜವಾಗಿಯೇ ಇದೆ. ಹಾಗೆ ಬಂದು ಬೆಳೆಯನ್ನು ನಾಶಪಡಿಸಿರತಕ್ಕಂಥ ಆ ಕಾಡಾನೆಗಳನ್ನು ಹೇಗೆ ಹಿಡಿದುಕೊಂಡು ಬರುವುದು? ಹಾಗೆ ಹಿಡಿದುಕೊಂಡು ಬರತಕ್ಕ ಆನೆಗಳಿಗೆ ತಾವು ಆ ಸ್ಥಳದಲ್ಲಿ ಯಾವುದಾದರೂ ದೊಡ್ಡಿಗಳನ್ನು ಏರ್ಪಾಡು ಮಾಡಿದ್ದೀರಾ ಹೇಗೆ ಎಂಬುದನ್ನು ಸ್ವಲ್ಪ ತಿಳಿಸಬೇಕಾಗಿದೆ.

ಡಾ॥ ಆರ್. ನಾಗನಗೌಡ.—ಆ ಪ್ರದೇಶದಲ್ಲಿ ಅಂಥ ದೊಡ್ಡಿಗಳನ್ನು ಯಾರೂ ಮಾಡುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಪಿ. ಆರ್. ರಾಮಯ್ಯ.—ಹಾಗೊಂದು ತಾವು ಏರ್ಪಾಡನ್ನು ಮಾಡದೆ ಹೋದರೆ ರೈತರಿಗೆ ಉಳಿಗಾಲವಿಲ್ಲ. ಅದಕ್ಕಾಗಿ ತಾವು ಅಲ್ಲಿ ಆ ಆನೆಗಳನ್ನು ಹಿಡಿಯುವಕ್ಕೆ ಬಗ್ಗೆ ಒಂದು ಸೂಕ್ತ ಏರ್ಪಾಡನ್ನು ಮಾಡಬೇಕಾಗಿದೆ. ಹಾಗೆ ಮಾಡದೆ ಹೋದರೆ ರೈತನು ಕಷ್ಟಪಟ್ಟು ಬೆಳೆದ ಆಹಾರಸಾಮಗ್ರಿಗಳ ಬೆಳೆಯೆಲ್ಲಾ ಆ ಆನೆಗಳಿಂದ ಮೇದು ಹೋಗಿಬಿಡುತ್ತದೆ. ಆದುದರಿಂದ ಸರ್ಕಾರದವರು ಈಗ ಈ ಡೆಫೆನಿಷನ್ನಿನಲ್ಲಿ ಈ ಆನೆ ಮತ್ತು ಒಂಟೆಗಳನ್ನು ಸೇರಿಸುವುದಕ್ಕನುಗುಣವಾಗಿ ಈ ಆನೆಗಳನ್ನು ಆ ಪ್ರದೇಶದಲ್ಲಿ ಹಿಡಿದುಹಾಕಲು ಒಂದು ದೊಡ್ಡಿಯ ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡತಕ್ಕದ್ದು ಒಳ್ಳೆಯದೆಂದು ಹೇಳುತ್ತೇನೆ.

ಡಾ॥ ಆರ್. ನಾಗನಗೌಡ.—ಆ ರೀತಿ ಆನೆಗಳನ್ನು ಹಿಡಿದುಕೊಡುವುದಕ್ಕೆ ಸರ್ಕಾರದವರು ಒಂದು ದೊಡ್ಡಿಯನ್ನು ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಹಾಗೆ ಮೇಯಲಿಕ್ಕೆ ಬರತಕ್ಕಂಥ ಆನೆಗಳನ್ನು ಓಡಿಸತಕ್ಕದ್ದು ಆಯಾ ರೈತರ ಜವಾಬ್ದಾರಿ. ಇದು ಅವರ ಮೇಲೆ ಬಿದ್ದಿರತಕ್ಕಂಥ ಒಂದು ಭಾರ. ಸರ್ಕಾರವೇನೂ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ರೈತರೇ ಇಪ್ಪುಗಳನ್ನು ಅತ್ತಲಾಗಿ ತರುಬಿಕೊಂಡು ಬರಬೇಕಾದ್ದು ಅವಶ್ಯಕ. ಈ ವಿಚಾರ ಜೀನು ಕುರುಬರಿಗೆ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ.

1-30 P.M.

Mr. SPEAKER.—The question is:

"That the Cattle Trespas (Amendment) Bill, 1954, as passed by the Council, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—There are no amendments. We shall take up clauses 2 to 7. The question is:

"That clauses 2 to 7, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 7, both inclusive were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to this Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Dr. R. NAGAN GOWDA.—I beg to move :

"That the Cattle Trespass (Amendment) Bill, 1954, as passed by the Council, be passed."

Mr. SPEAKER.—The question is :

"That the Cattle Trespass (Amendment) Bill, 1954, as passed by the Council, be passed."

The motion was adopted.

MYSORE SALES-TAX (AMENDMENT) BILL, 1955.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, I beg to move :

"That the Mysore Sales-Tax (Amendment) Bill, 1955, be taken into consideration."

This is a non-controversial measure. Hon'ble Members are aware that the businessmen in the State were all along urging for the constitution of an Appellate Tribunal to hear sales-tax appeals. The Committee constituted under my chairmanship to go into the question of revising the Sales-Tax, Act had also recommended that an Appellate Tribunal may be constituted to hear and dispose of sales-tax appeals. Accordingly, this Bill is introduced providing for the constitution of Appellate Tribunal. The tribunal will consist of a District Judge and an officer of the Sales-Tax not below the rank of a Deputy Commissioner and a non-official practising the profession of Accountancy for a period of not less than five years. It is open to the dealers either to prefer an appeal according to the existing provision to the Commissioner or prefer an appeal to the tribunal. After dealing with the main provisions, I propose to explain the almost all the clauses of the Bill so that the Hon'ble Members may follow the discussion and understand the provisions clearly.

We have availed of this opportunity to amend certain other provisions in the Sales-Tax Act. According to the practice now in vogue, sales-tax for each year may be collected in advance. This is being done in accordance with the rules. Recently, the High Court of Madras has held that the levy and collection of tax in advance is illegal. Therefore, amendment is proposed to Section 3 of the main Act. Again there is a proposal to insert a new clause after clause 11 of the existing Act. Under the existing provisions, only the registered dealer can collect sales-tax. In certain cases Government and other officers are selling goods like iron and steel and like commodity. If only registered dealers are empowered to collect sales-tax, the Government which is not a registered dealer cannot collect sales-tax. Therefore, a clause has been inserted to empower the Government to collect the sales-tax. Against the decision of the Sales-Tax Tribunal, the assessee or the Deputy Commissioner can approach the High Court by means of a revision petition within a period of 60 days from the date on which the order is passed. Provision has also been made for preferring appeals to the High Court. It has also been provided that petitions applications and appeals preferred to the High Court should be heard by a bench of not less than two Judges. The other amendments proposed are minor amendments. They are not controversial in nature. Coming back once again, if the Hon'ble Members agree, I propose to deal with the Bill, clause by clause.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—On ground, the Committee decided that the growers should not be asked to pay sales-tax, but now in the rule-making power that has been reversed.

Mr. SPEAKER.—The Hon'ble Minister has not finished.